

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) DAVID L. WEST, an individual,)	
)	
PLAINTIFF.)	
)	
vs.)	Case No. <u>15-CV-572-CVE-FHM</u>
)	
(2) BAKER HUGHES OILFIELD)	
OPERATIONS, INC.)	
)	
DEFENDANT.)	

NOTICE OF REMOVAL

Defendant Baker Hughes Oilfield Operations, Inc. ("Baker Hughes") pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action from the District Court of Tulsa County, Oklahoma, where it was filed as Case No. CJ-2015-02054, to the United States District Court for the Northern District of Oklahoma. As grounds for removal, Baker Hughes states as follows:

1. On June 1, 2015, plaintiff filed a Petition in the District Court of Tulsa County, State of Oklahoma, against Baker Hughes. The case was assigned Case No. CJ-2015-2054.

2. The civil summons and the Petition (the "State Court Action") were properly served on Baker Hughes on September 16, 2015. A true and correct copy of the Petition and summons as received are attached hereto as Exhibits 1 and 2, respectively. On October 5, Plaintiff filed an Amended Petition, a copy of which is attached hereto as Exhibit 3.

3. Baker Hughes has not yet filed an answer or responsive pleading in the State Court Action. In filing this Notice of Removal, Baker Hughes does not waive any defense or counterclaim that might be available to the Defendant.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Baker Hughes pursuant to 28 U.S.C. §§ 1441 and 1446.

5. The Amended Petition alleges civil actions arising under the Constitution, laws or treaties of the United States as follows: The Amended Petition alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. and seeks damages thereunder. See Ex. 3.

6. Removal of this action from the District Court of Tulsa County, State of Oklahoma, to this Court is, therefore, proper under 28 U.S.C. § 1441, because this Court would have had original jurisdiction of the action under 28 U.S.C. § 1331 had the action been initially filed in this Court.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of Baker Hughes' receipt of the Petition on or about September 16, 2015, and within one (1) year of the commencement of the action.

8. Written notice of filing of this Notice of Removal will be given to Plaintiff, by and through his counsel of record in the State Court Action. Also, as required by 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of the District Court of Tulsa County, State of Oklahoma, the court in which the State Court Action was filed.

9. All papers served on Baker Hughes in the State Court Action at the time of this removal, consisting of the Petition, civil summons, and Amended Petition, are attached as Exhibits 1-3, pursuant to 28 U.S.C. § 1446(a) and LCvR 81.2.

10. Pursuant to LCvR 81.2, a true and correct copy of the docket sheet in the State Court Action, current through the date of this filing, is attached hereto as Exhibit 4. No motions are currently pending in the State Court Action.

11. Baker Hughes will file a Status Report on the Removed Action in accordance with LCvR 81.2.

WHEREFORE Defendant Baker Hughes respectfully requests that the above referenced action now pending in the District Court of Tulsa County, State of Oklahoma, be removed therefrom and proceed in this Court as an action duly removed from this day forward.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL &
ANDERSON, L.L.P.

By:


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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of October, 2015, a true and correct copy of the above and foregoing instrument was mailed, with proper postage thereon, to:

J. Spencer Bryan
Steven J. Terrill
Bryan & Terrill Law, PLLC
9 East Fourth Street, Suite 307
Tulsa, OK 74103


Kristen L. Brightmire

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